

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(La Fayette, Georgia))
)

MM Docket No. 97-196
RM-9151

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS ON NOTICE OF PROPOSED RULE MAKING

Great South Broadcasting, Inc. ("Great South"), by its counsel, and pursuant to Section 1.420 of the Rules, hereby submits its comments on the Commission's Notice of Proposed Rule Making, *La Fayette, Georgia*, DA 97-1889, released September 5, 1997 ("NPRM").¹ For the reasons set forth herein, Great South opposes the deletion from La Fayette, Georgia, of FM Channel 298A.

1. **General.** The NPRM was issued at the request of Tennessee Instructional Radio ("TRI"), whose interest in the deletion of Channel 298A from La Fayette, Georgia, is unclear from a review of its moving papers. TRI filed a Petition for Rule Making on April 22, 1997, and a Supplement to Petition for Rule Making on August 11, 1997. TRI states that the sole applicant for a construction permit at La Fayette, Radix Broadcasting, Inc., has twice been denied FAA approval for construction of its antenna supporting structure because of harmful interference to air navigation due to electromagnetic

¹ Comments are due by October 27, 1997; therefore, these comments are timely filed.

interference (“EMI”), and that, as a result, the allotment of Channel 298A at La Fayette is “a defective allotment” that should be deleted from the Table of Allotments. Great South hereby opposes the deletion of Channel 298A from La Fayette, and states its interest in constructing a new FM station at La Fayette.

2. **TRI’s Pleadings.** TRI’s consultant provided a engineering statement showing that assuming operation of Channel 298A at 0.1 kilowatt ERP, the FAA’s Airspace Analysis computer model predicts interference to FAA navigational devices from the FCC reference point, five hypothetical sites and the site proposed by Radix. Based on this, TRI concludes that “there are no sites from which Channel 298A could be constructed and satisfy the FAA’s concerns for air safety. The FAA installations of concern are the VOR station at Rome, Georgia, and the Localizer (“ILS”) at Chattanooga, Tennessee. Both installations provide navigational data to aircraft. TRI’s engineer concedes that while “this is not an exhaustive evaluation of all potential sites it is a very representable showing.” However, as shown in the attached Technical Statement, there are several methods that could be employed in an attempt to meet FAA concerns that have apparently not be explored.

3. **Use of Special Antenna Systems.** The Technical Statement indicates that the evaluation submitted by TRI does not discuss the use of directional or halfwave spaced FM broadcast antennas to reduce the radiation toward Rome and Chattanooga to a level that would be acceptable.

4. **Change of Frequency of VOR and ILS Stations.** The materials submitted by TRI do not discuss the feasibility of changing the frequencies of the Rome VOR

and/or the Chattanooga ILS stations to avoid EMI conflicts with the use of Channel 298A at La Fayette.

5. Continuing Expression of Interest. Great South hereby expresses its interest in constructing a radio station on Channel 298A at La Fayette, Georgia. Great South requests the FCC not to delete Channel 298A at La Fayette. However, the FCC should dismiss Radix's application, and open a filing window for applications for a construction permit for a new FM station to operate on Channel 298A at La Fayette. In such event, Great South will prepare and file an application for a construction permit on Channel 298A at La Fayette within the applicable window period, and upon grant of the application, will construct a new FM station at La Fayette. Great South would propose special antenna systems, would cooperate with the FAA to resolve its concerns as to EMI and, if other methods prove infeasible, would consider reimbursing the FAA for its costs involved in changing the frequencies of the VOR and ILS stations to resolve FAA concerns. La Fayette's channel should not be deleted where a party is willing to explore alternatives that could bring new service to the community.

6. Public Interest Concerns. The Technical Statement shows that a facility operating at La Fayette, Georgia (1990 Census population 6,313) could serve as many as 132,131 persons within the 1 mV/m contour. The Commission's general policy is **not** to delete channels where there has been interest expressed in activating the channel. See *Fair Bluff, North Carolina*, 9 FCC Rcd 9255 (1995). Here, retaining Channel 298A at La Fayette, Georgia, will offer an opportunity to provide the community with its first local FM service and provide new service to over 100,000 persons. Moreover, there has been

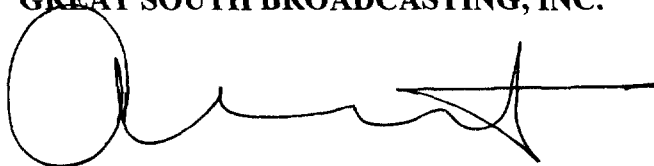
an expression of continuing interest. Therefore, it would not be in the public interest to delete the channel.

WHEREFORE, in light of the foregoing, Great South Broadcasting, Inc., respectfully requests the Commission to deny the petition for rule making as supplemented by TRI, **leave Channel 298A allotted to La Fayette, Georgia, dismiss the Radix application, and open a filing window for applications for a construction permit for a new FM station at La Fayette, Georgia.**

Respectfully Submitted,

GREAT SOUTH BROADCASTING, INC.

By:

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

Gary S. Smithwick
Its Counsel

Smithwick & Belendiuk, P.C.
1990 M Street, N.W.
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October 27, 1997

**Great South Broadcasting, Inc.
La Fayette, Georgia
CH 298A**

TECHNICAL STATEMENT

EME Communications has been retained by Great South Broadcasting, Inc. to evaluate the feasibility of locating an FM broadcast facility to serve the people of La Fayette, Georgia. Noted in the Notice of Proposed Rule Making, Docket No. 97-196 (RM-9151), Tennessee Instructional Radio "TIR" is requesting the deletion of channel 298A from La Fayette, Georgia. The reason given is the lack of FAA approval for any site that would serve this community. La Fayette city has a population of over 6,313 people, according to 1990 Census data, one of the largest cities in Georgia not to have first local FM service.

After examining the request, as filed by "TIR", There appears to be an incomplete evaluation preformed, not taking into consideration, alternate methods to reduce the potential EMI threat.

"TIR", in its engineering evaluation, states that a reduction in power would eliminate the "Brute Force" (BF) occurrences from a figure of 24 to 0 to the RMG, Rome, GA. VOR, and reduce the Inter-Modulation (IM) occurrences from 2,122 to 8 to the CWG, Chattanooga, Tn. . localizer. These are the figures that relate to the current application site of Radix Broadcasting, Inc. using 6kw ERP.

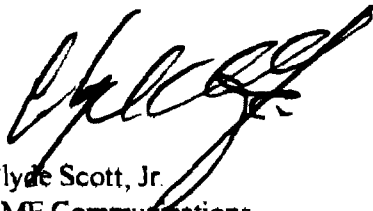
Nowhere in the evaluation was the use of a directional ,or halfwave spaced antenna mentioned. It is a well known fact that directional antennas are used the reduce RF potential to certain areas such as the radio "Quiet Zone" at the NRAO site near Green Bank, WV.

Also well known, and accepted within the industry, is the use of halfwave Spaced FM broadcast antennas. This type of antenna greatly reduces the effects of downward, as well as upward, radiation from an FM broadcast facility. Again, this was NOT considered in the evaluation.

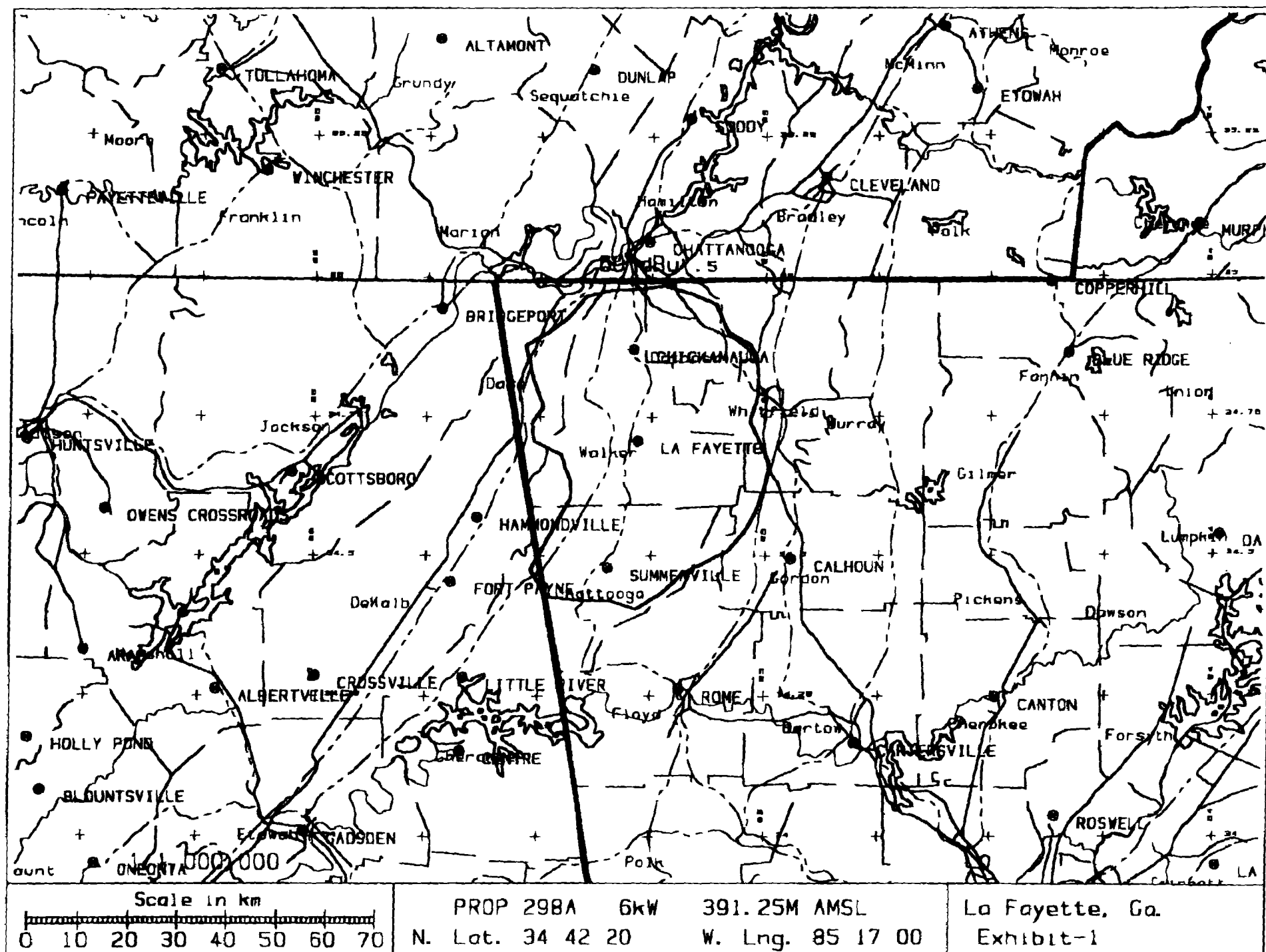
A frequency change of the Rome, Ga. VOR (RMG) or the Chattanooga, Tn. Localizer (CGW) was not explored. This is somewhat radical but certainly within reason rather than denying first local FM service to a community, and, a practice that has been used before.

Exhibit-1 is offered as an example of a site in La Fayette, Ga. utilizing the maximum height and power for a class-A facility. The population within the 1.0 mV/m (60 dBu) contour is 132,131 persons. If the FCC does not deny this proposed Rule Making, a minimum of 132,131 people would be denied first local FM service.

Great South Broadcasting, Inc. is willing to seek out, and find a site that will be acceptable to the FAA as well as the FCC. When found, Great South Broadcasting, Inc. will apply, build, and operate this facility.



Clyde Scott, Jr.
EME Communications
293 JC Saunders Rd.
Moultrie, Ga. 31768



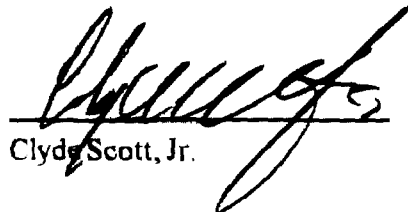
DECLARATION AND QUALIFICATIONS OF PREPARER

State Of Georgia)
City of Moultrie) §
Colquitt County)

Clyde Scott, Jr., under penalty of perjury, declares and says he is a Broadcast Engineer, Technical Consultant, and President of EME Communications. He has been engaged to prepare the attached technical exhibit and related statements.

That his qualifications are a matter of record before the Federal Communications Commission and has been active in the Broadcast industry since 1965 and in Broadcast Engineering since 1972. That he is the holder of General Radiotelephone License No. PG-6-30133.

That the attached Technical exhibit was either prepared by him or under his direct supervision. All material, exhibits, and statements hereto are believed to be true and correct.
executed this 27th day of October, 1997.


Clyde Scott, Jr.


CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify that on this 27th day of October, 1997, copies of the foregoing were mailed first-class, postage prepaid, to the following:

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Mr. Rich Gwyn
Radix Broadcasting, Inc.
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Patricia A. Neil

(*) by hand